

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**BOND PHARMACY, INC., d/b/a AIS
HEALTHCARE,**

Plaintiff,

v.

**ANTHEM HEALTH PLANS OF VIRGINIA,
INC., d/b/a ANTHEM BLUE CROSS AND
BLUE SHIELD,**

Defendant.

Civil Action No. 1:22-cv-01343-CMH-IDD

**DEFENDANT ANTHEM HEALTH PLANS OF VIRGINIA, INC.
D/B/A ANTHEM BLUE CROSS AND BLUE SHIELD'S SUPPLEMENTAL
OBJECTIONS TO PLAINTIFF'S WITNESS AND EXHIBIT LISTS**

Defendant Anthem Health Plans of Virginia, Inc. d/b/a Anthem Blue Cross and Blue Shield (“Anthem”), by counsel, hereby objects to Plaintiff’s Witness List (ECF 97) and Plaintiff’s Exhibit List (ECF 94) as follows:

Objections to Plaintiff’s Witness List

Anthem objects to Plaintiff calling Dr. Michael R. Dorwart, Dr. Douglas Beall, or Dr. Stuart Rosenblum (collectively, the “Witnesses”) as witnesses at trial. None of the Witnesses was disclosed in AIS’s Rule 26(a)(1) Initial Disclosures or in AIS’s interrogatory answers. Therefore, Plaintiff should be precluded from calling any of the Witnesses at trial under Federal Rule of Civil Procedure 37(c)(1).

Anthem objects to Plaintiff calling Peter Dressel and David Franklin as witnesses at trial because their testimony is inadmissible under Federal Rules of Evidence 702, 401, 402, 403, and for the reasons set forth in Anthem's forthcoming motions regarding these witnesses.

Anthem objects to Plaintiff's claim in its Witness List that it reserves the right to call any witness appearing on Anthem's witness list. Anthem has not undertaken, by listing a witness on its witness list, to make witnesses available, including those beyond the subpoena power of the Court.

Anthem reserves the right to supplement these objections as necessary.

Objections to Plaintiff's Exhibit List

Anthem's objections to Plaintiff's Exhibit List are set forth in **Exhibit A** hereto.

Anthem reserves the right to object to any demonstrative exhibits that Plaintiff intends to use at trial. Anthem further reserves the right to object to any additional exhibits disclosed by Plaintiff in advance of trial, and to supplemental these objections as necessary.

Anthem reserves the right to object to the introduction of any exhibit not properly authenticated or for which the foundation has not been laid, and to hearsay without a proper hearsay exception.

Date: November 30, 2023

ANTHEM HEALTH PLANS OF VIRGINIA, INC.
D/B/A ANTHEM BLUE CROSS AND BLUE
SHIELD

/s/ Michael E. Lacy

Michael E. Lacy (VSB No. 48477)
Sarah E. Siu (VSB No. 94716)
TROUTMAN PEPPER HAMILTON SANDERS LLP

P.O. Box 1122
Richmond, VA 23218-1122
Telephone: (804) 697-1326
Facsimile: (804) 697-6061
michael.lacy@troutman.com
sarah.siu@troutman.com

Virginia Bell Flynn (VSB No. 79596)
TROUTMAN PEPPER HAMILTON SANDERS LLP
301 S. College Street, 34th Floor
Charlotte, NC 28202
Telephone: (704) 916-1509
Facsimile: (704) 998-4051
virginia.flynn@troutman.com

Callan G. Stein (*pro hac vice*)
TROUTMAN PEPPER HAMILTON SANDERS LLP
125 High Street, 19th Floor
Boston, MA 02110
Telephone: (617) 204-5100
callan.stein@troutman.com

Harry J. Liberman (*pro hac vice*)
TROUTMAN PEPPER HAMILTON SANDERS LLP
875 Third Avenue
New York, NY 10022
Telephone: (202) 704-6000
harry.liberman@troutman.com

Counsel for Defendant-Counterclaimant